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INSTRUMENT PREPARED BY VIRGINIA GAS AND OIL BOARD

VIRGINIA:

#### BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB 01-1016-0960

ELECTIONS: UNIT ZZZ-26 (herein "Subject Drilling Unit")

#### REPORT OF BOARD

#### FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on January 23, 2002 which was recorded at Deed Book 539, Page 566 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on February 1, 2002, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed Consol Energy Inc. (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates that the escrow of funds is required with regard to Unit ZZZ-26;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Union National Bank, Corporate Trust PA1328,123 Broad Street, Philadelphia, PA 19109-1199, Telephone: (215) 985-3485 or (800) 664-9359, Attn: Don Ballinghoff, or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore. The respondents listed in Exhibit B-2 to the Affidavit of Elections are dismissed.

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Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow or who is hereby dismissed and whose address is known within seven seven (7) days from the date of receipt of this Order.

<u>Conclusion:</u> Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution. DONE AND EXECUTED this day of \_\_\_\_\_\_, 2002, by a majority of the Virginia Oil Board. Gas and Oil Board. STATE OF VIRGINIA **COUNTY OF WISE** Acknowledged on this 4th day of 4 in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so. Notary My commission expires: 7-31-02 DONE AND PERFORMED THIS 29 day of June Director of the Division of Gas & Oil Board and Principal Executive to the Board STATE OF VIRGINIA **COUNTY OF WASHINGTON** Acknowledged on this 2 day of June, 2002, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so. My commission expires: 9/30/0 5

> Order Recorded Under Code of Virginia Section 45.1-361.26

VIRGINIA:

#### Exhibit A

#### BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Buchanan Production Company for Forced Pooling of Interests in CBM Unit ZZZ-26 VGOB 01-1016-0960 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF Consol Energy Inc. (herein "Designated Operator") REGARDING ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by Consol Energy Inc., as a Gas Engineer and is duly authorized to make this affidavit on behalf of Consol Energy Inc., the designated operator,

That the Order entered on January 23, 2002, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the county identified above; that said Order was recorded on February 1, 2002;

That the designated operator Consol Energy Inc. has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

GeoMet, Inc. and Highland Resources, Inc.

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of January 23, 2002;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

None

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That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Notary

My commission expires: 11/30/05.

539 PAGE 571 900' LATITUDE: 37° 20' 00" PROPERTY LINES SHOWN WERE TAKEN FROM MAPS AND DEEDS PROVIDED BY CONSOL ENERGY, Inc. AND DO NOT REPRESENT A CURRENT FIELD SURVEY. VIRGINIA STATE PLANE - SOUTH ZONE - NAD'27 O MINERAL SURFACE 2 8 550 E 992,367.25 80 ACRE UNIT N 368,576.94 E 994,232.56 СВМ LOCATION WELLS WITHIN 2,500' RADIUS DIRECTION DISTANCE IC-10 S 56'13'35" W 2057.39 IC-11 N 62'30'51" E 2461.86 N 366,776.33 E 992,298.34 N 366,706.97 E 994,163.75 THE ACTUAL WELL LOCATION WILL BE WITHIN 10 FEET OF THE PROPOSED LOCATION ACCORDING TO 4 VAC 25-150-290 AND 45.1-361.30 WELL LOCATION PLAT COMPANY \_\_CONSOL ENERGY, INC CBM-ZZZZ6 \_\_\_\_\_ WELL NAME OR NUMBER \_ TRACT NUMBER SLOCUM LAND CO. PATTERSON \_ QUADRANGLE \_ GARDEN DISTRICT: WELL COORDINATES (VIRGINIA STATE PLANE): \_\_\_\_STATE PLANE N 367,950.47 E 993,264.96 \_\_ METHOD USED TO DETERMINE ELEVATION: USGS TOPOGRAPHIC MAPPING ELEVATION: 2400.00' COUNTY \_\_ BUCHANAN 09-04-01 \_Scale: 1" = 400' Date \_ THIS PLAT IS A NEW PLAT \_\_ X \_\_; AN UPDATED PLAT \_\_ Denotes the location of a well on United States Topographic Maps, scale 1 \$24,000, latitude and longitude lines being represented by border lines as shown (option). D. R. PRICE \_\_\_\_\_; OR A FINAL LOCATION PLA LICENSE No. 8540 Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)

9/5/01

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# CONSOL ENERGY, INC. UNIT ZZZ 26 Tract Identification

Slocum Land Corp. – Coal, Oil, and Gas
 Coal Lessees
 Island Creek Coal Co. – Coal below the Tiller Seam
 Tight Sands Investments LLC c/o Cabot Oil and Gas Corp. Oil and Gas Lessee (?)
 Eastern American Energy Corp. Oil and Gas Lessee (?)
 Buchanan Production Company – CBM Lessee
 North American Timber Corp. – Surface
 77.70 Acres 97.1250 %

Yukon Pocahontas Coal Co./Buchanan Coal Co./Sayers-Pocahontas Coal Co. – 2/3 Coal, Oil & Gas North American Timber Corp. – 1/3 Coal, Oil & Gas Coal Lessees
 Island Creek Coal Co. – Coal below the Tiller Seam
 Jewell Smokeless Coal Corporation – Coal overlying & including Tiller Seam
 Tight Sands Investments LLC c/o Cabot Oil and Gas Corp. Oil and Gas Lessee (?)
 Eastern American Energy Corp. Oil and Gas Lessee (?)
 North American Timber Corp. and their apparent Lessees,
 GeoMet; Inc. and Highland Resources, Inc. - CBM Lessees (1/3)

Buchanan Production Co. –CBM Lessee (2/3)

2.30 Acres

2.8750 %

#### Exhibit B-3 Unit ZZZ-26 Docket # VGOB 01-1016-0960 List of Unleased Owners/Claimants

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		Acres in Unit	Percent of Unit	Election
i.	COAL FEE OWNERSHIP			
	Tract #2, 2.30 Acres			
	(4) Plum Creek Timberlands, L.P. * Natural Resources Department 100 Peachtree Street NW, Suite 2650 Atlanta, GA 30303 (prev. North American Timber Corp.)	0.77 acres 1/3 of 2.30 acres	0.9583%	Participate (GeoMet, Inc. & Highland Res., Inc.)
II.	OIL & GAS FEE OWNERSHIP  Tract #2, 2.30 Acres			
	(4) Plum Creek Timberlands, L.P. * Natural Resources Department 100 Peachtree Street NW, Suite 2650 Atlanta, GA 30303 (prev. North American Timber Corp.)	0.77 acres 1/3 of 2.30 acres	0.9583%	Participate (GeoMet, Inc. & Highland Res., Inc.)

<sup>\*</sup> The CBM interest is leased by GeoMet, Inc. and Highland Resources, Inc.